App F IX 4

Previous References

1946 Municipal Mk File No 110—44
Serial Nos 48, 49

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos TWO

Part B for March '45

SUBJECT

Recovery of arrears of toll
Khistodue by Hariharan Mudy—
by Singanallur Municipality

Dc Chitaldrug
L of 346 dated 19.3.45—
forwarding Minutes

414

9313

Law 265/43-Leg

Continuation Sheet | File No / Current No: Sp 81/35-Leo | Page 1

Letter no A 6 2463 dated 15th June 1946 from the Deputy Commissioner, Chitaldrug District regarding recovery of arrears of tole khist due to Harihar Town Municipality by Shri Singri Lingappa.

1) It is submitted that the previous letter referred to in the P & D has not been received in the Law section

2) A regular suit is stated to have been filed against one Singri Lingappa and other defendants in the Court of the Munsiff Chandya for obtaining possession of 1/3 share in B Gowdagere Inam village purchased on behalf of the Harihar Town Municipality for Rs 3,542/= in the Court sale held on 12th January 1942. The said suit has been compromised for a sum of Rs 2651-2-0, which represents the actual amount due from the party plus interest upto the date of the filing of the suit, as per details noted in the margin at page 2 of the P-L-D

3) Under section 176 (1) of the Mysore Town Municipalities Act the Municipal Council is competent to compromise any suit filed for the recovery of any moneys due to the municipality under a contract

4) Under the above noted power, the Municipal Council have unanimously resolved in the meeting held on 18th April 1946 that the suit may be compromised by accepting a sum of Rs 2651-2-0 in full settlement of the money due from Singri Lingappa

9313

Law 265/43-C4

Continuation Sheet. File No / Current No of Page

5) The President, Haripad Town Municipality feels that sanction of Govt is necessary under clause(2) of section 38 of the Town Municipalities Act to convey the vest, title and interest of Smt Jain Kunjappa to Mr G Venkatasamaniah who has deposited the amount on behalf of the former

6) But the DS - Chittaldrug is of opinion that the Municipal Council is itself competent to approve the transaction proposed.

7) It is stated that the decision arrived at Pres. of President, Haripad Municipality has been instructed to intimate the Court through the Counsel about the decision arrived at by the Council - A

8) No further action seems to be called for the papers will if approved be transferred to L S Co Branch for being filed in that section, as the subject matter of the case relates to them.

KMM 12/9 mw 12/9

9) Submit to the D C on point noted at 'A' & for the information above, as the matters said thereon

3 30/9/43

Submitted

10) Draft letter addressed to the Deputy Commissioner, Chitaldrug as per top for approval

Dis S-T/9 Dis A

11) Issued

4 2/10/43

Letter No P 1992 dated 2.10.43 issued to DC Chitaldrug requesting to intimate the stage at which the suit in OS No 65 of 1943 on the Munsiff's Court, Channa stands at present

4 2/10

9313/43 & 5062/44

Continuation Sheet File No. Current No. Page of

Recovery of toll & list due to Harihar Town Municipality by Sempre Lamps Ltd in Re 181/39-40

Submitted

12) Reply called for from the Deputy Commissioner, Chitaldrug is not received

13) A draft Reminder addressed to DC is put up for approval

14) 14/12

14/12

14/12

Reminder letter No 1'4471 dated 16/12 is sent to the Deputy Commissioner, Chitaldrug requesting him to send the report immediately

16/12/44

Letter No 5062 dated 20/12/44 from the DC Chitaldrug, stating that the information called for from the Presidents, Harihar Town Municipality has not yet been received & on receipt it will be submitted.

15) Further report may be awaited

16) 2/1/45

26/12/44

Letter No A6-785 dated 26/1/45 received from the Deputy Commissioner, Chitaldrug stating that the case

5062 / 5960

(1) Recovery of Toll Thist due to Harbour Town
Continuation Sheet Municipality from Simple Lis affair in Sp
File No
Current No
Page 181/2 660

in ds. 653/42-43 may be compromised in case the Govt approves the action of the Municipal Council, Harbour Town

17) The deputy Commissioner was specifically asked to state the stage at which the suit stands at present and he has not given a definite reply on the point But it appears from his letter that the case must have been posted to request compromise

18) The dc further states that the action of the Municipal council in compromising the case may be approved as the case is pending under the circumstances reported in his previous letter as the case is pending for a long time and as the Municipality would not also be put to any pecuniary loss by effecting the compromise except the interest after filing the Suit

19) As the matter relates to the dues outstanding Recovery by a Town Municipality the file may perhaps be referred to L S G Section for opinion approval

20) The L S G Section may please see 7/2/45 what action has been taken W 7/2/45 on point A & the proposal of the D C D - / Whether Council has been consulted

(Initials) 3/8/2

MKB

Recovery of Rs Khesh due to the Harbour Mun Rs from Smt Sangeeta Linggappa

Continuation Sheet No 7/V | File No / Current No | of | Page

Flag 'V'

Lbd

No action has been taken in the L.S.G. Dept on the subject. The only one Ref ex which was received here on the 16th June '44 was referred to the Protection Dept for disposal (Ref para 20 supra)

Lbd 10/2 If however, the Law Dept advises the administrative Department that the course ~~adopted~~ suggested by the Dy Collector would be in the best interests of the Harbour Municipal, action will be taken accordingly

In forwarding service

Sd — Secy
Law Dept
10/2/45

Submitted -

The Harbour Municipality has filed a suit for partition & possession of 1/2 of 1/3 share of the the defendant, which they purchased in the court sale (vide Ex V) On application from the defendant (vide Ex E) the Council resolved to compromise the suit (Ex F) on payment of Rs 2651-2-0 which would cover the decree, court cost which amount can has been deposited by one G Venkatswamiah on behalf of the defendant

The Municipal Council is competent to enter into compromise in respect

WD 9726—GPB—25 000—1.9.44

of any suit instituted by or against it under S 176 (1) of the Town Municipalities Act 1933, to

It is stated in the letter of the D C (Fd V) that the Municipal Council ~~have not~~ are not in possession of the property so that there is no question of transfer of municipal property to and no sanction is required under S 38 (2) of the Act

The compromise deed may be filed in the court and the suit may be dismissed as per compromise Submitted for orders

MKH
13 2 45

The compromise may be effected as suggested by the D C. But as the Municipality has brought property in Court action, I may state so that he can be informed in the name of the Municipality, a formal transfer deed will have to be executed

Law Secretary

CEO'S LAW 6628

16/2/45

19 2 45

19/2

Suggest this for Mayor's signature

Mayor

Mr Jeevaratnam
Secretary

Mr Jeevaratnam
Secretary

7977/L
43-44

Draft reply please

Sir
2/3/45

MKB

Submitted for approval (with a draft reply

3/3

Law Officers will see

Law Officers' Secretary
5/3/45

May be approved

Sir
5-3-45

Sir
15-3-45

Sir
16-3-45

Private Office 3/45

OFFICE OF THE MINISTER
FOR L S G & P H
Date 6-3-45
No 6842

Public L Sec

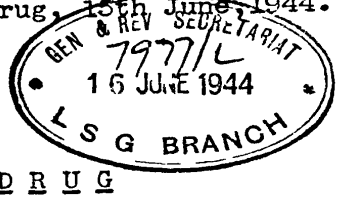
Sir
Reg 43) Reg 346 of 43-7 43 — 2 — re Children Act
Sets out the Compromise as attached

B
3/3

71/ J 9313/43

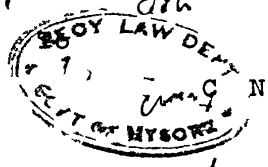
No A6 2443/40-41
Encl File

Office of the Deputy Commissioner,
Chitaldrug District,
Dated, Chitaldrug, 15th June, 1944.



From

A C Nirvani Gowda, Esq , B A ,
Deputy Commissioner,
Chitaldrug District,
C H I T A L D R U G



Law 265-43-1

To

G Narayanaswami Naidu, Esq , B A , B L ,
Legal Remembrancer & Secretary to Government,
Law Department, B A N G A L O R E

Sir,

Subject - Recovery of arrears of Toll Khist due to Harihar Town Municipality by Mr Singri Lingappa - Execution Case No 181/39-40

In continuation of this office letter No A6 C 2443/40-41, dated the 18th November, 1941 intimating that instructions had been issued to the President of Harihar Town Municipality for attending the Court sale at Mandya in connection with the above subject, I have the honour to state that the President reports that a regular suit was filed in the Munsiff's Court at Mandya against Mr Singri Lingappa and other defendents for partition of B Gowdagere Inam village amongst the plaintiff (Harihar Municipality) and the defendents and to put the plaintiff in possession of one sixth portion of the said property after declaration of the right of Harihar Municipality (Plaintiff) thereto Mr Singri Lingappa has one third share in the village The right, title and interest to half the share of the defendent (Singri Lingappa) in the said property was purchased by the Municipality ∅ in the sale held by the Court on 12-1-1942 for a sum of Rs 3,542/- It has been reported that the case was posted for evidence to the 23rd March 1944 and adjourned to 15-5-1944 at the request of the 1st defendent, as he said he would apply to the Municipality for a compromise at that stage He accordingly approached the Municipality on 8-5-1944 with an application for compromise The Municipal Council, at its meeting held on the 18th ultimo, discussed the subject and resolved unanimously that the suit may be compromised for a sum of Rs 2,651-2-0, which includes t khist due (capital), interest at 9 % up to the date of filing the

suit

suit and the court costs etc , incurred by the Municipality By accepting the application for compromise tendered by the party, the Municipality would forego the sum of Rs.1571-11-0 being the interest allowed by the Court subsequent to filing the suit Mr Singri Lingappa, requests that the right, title and interest to 1/6th share of the above inam village purchased by the Municipal Council at the sale, may be conveyed in favour of Mr G Venkataswamiah who has deposited the amount of Rs 2,651-2-0 on his behalf

1	Prinicipal	1,253- 2- 2
2	Interest to the date of filing suit	346- 2-10
3	Court costs etc ,	1,051-13- 0
	Total	2,651- 2- 0

Under Section 176(1) of the Town Municipalities Act, the Municipal Council is competent to enter into a compromise in respect of any suit instituted by it or against it or in respect of any claim or demand arising out of any contract entered into by it under the above act, for such sum of money or other compensation as, it shall deem fit

The President, feels that sanction of Government is necessary under clause (2) of section 38 of the Town Municipalities Act, to convey the right, title and interest of the share of the defendent in the village to Mr G Venkataswamiah, who has deposited the amount of Rs 2651/2/ From the resolution of the Municipal Council it is clear that the Court authorities have not yet put the Municipality into the possession of the share of the property purchased by the Municipality When the Council is not in actual possession of the property, the question of conveying the same does not arise As the compromise has been unanimously accepted by the council, the Court may be intimated accordingly with a request that the share of the property purchased by the Municipal Council may be released to the 1st defendent (Mr Singri Lingappa) and he may convey his share to Mr G Venkataswamiah, if he so choses, instead of the Municipality doing the same, without getting actual possession of the property

I have accordingly instructed the President, of Harihar Municipality to intimate the Court through the Counsel about the disision arrived at by the Council

10

The entire file of papers ending with report No 20/40-41 dated 27th May, 1944 received from the President, is herewith sent for favour of perusal of Government and early return

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Chitaldrug District

SPH 2

To P 1992 II D 2-11-64

The Deputy Commissioner
Chitaldrug District
Chitaldrug

Memo 265-63-2

Ref No
Dated

Reference - Recovery of Toll
Khist due to Harihar Town
Municipality - by M/s Sreyas
Engg Office

Sir,

With Reference to the correspondence ending with ~~to~~ your
letter No D6 24063/60-61
dated 15-6-1964 I am
directed to request you
to furnish immediately
the information as to the
stage at which the partition
Suit No OS 653/62-63
on the file of the Munsiff,
Harihar, filed by the
Harihar Town Municipality
against M/s Sreyas Engg Office
and others, stands at present

Thanking you

D/C

Yours Secretary to Govt
& Law Dept

Tel Address —D s nag
CHITALDRUG

In reply please refer to
No A6 785/44-45
Enclosures

5044 P 44 (200) Tel 110-44-45/2

Deputy Commissioner,
OFFICE OF THE ~~DISTRICT MAGISTRATE~~
CHITALDRUG DISTRICT

Dated Chitaldrug 20th December 1944

FROM The Deputy Commissioner,
~~District Magistrate~~,
Chitaldrug District Chitaldrug

SECY LAW DEPT 21 DEC 1944 GOVT OF MYSORE

To C Narayanaswami Naidu, Esquire, B A, B L,
Legal Remembrancer and Secretary to Govt,
Law Department, Bangalore

Sir,

Adverting to your letter No P 4471 dated the 16th December 1944 requesting me to intimate the stage at which the partition suit filed against Mr Singri Lingappa and other stands, I have the honour to state that the information called~~ed~~ from the President of Harihar town Municipality has not yet been received I have reminded him again today and on receipt of the reply, I shall make a further communication to you in the matter

I have the honour to be,
Sir,
Your most obedient Servant,

For Deputy Commissioner,
Chitaldrug Dist

C M F 2/

Found on the table on the 23rd morning 7/1 23/1/45

5940/44 13 264

Law 265-43-3

Tel Address — Depcom
CHITALDRUG

In reply please refer to
No A6 785/44-45
Enclosures

Received H. T. P. on 4/2/45

Deputy Commissioner,
OFFICE OF THE CHITALDRUG DISTRICT

Dated Chitaldrug 16th January 1945

FROM

786

The Deputy Commissioner,
Chitaldrug District Chitaldrug

To

C Narayanaswami Naidu, Esquire, B A, B L,
Legal Remembrancer and Secretary to Government,
Law Department, Bangalore

Subject, Recovery of toll Khist due to Harihar Town Municipality by Mr Sringri Lingappa

9313

Sir,

Adverting to your letter No P 1992 dated the 2nd October '44 on the above subject and requesting me to intimate the stage at which the partition suit No O S 653/42-43 on the file of the Munsiff, Mandya, filed by the Harihar Town Municipality against Mr Sringri Lingappa and others stands at present, I have the honour to state that the President of the Municipal Council intimates that the case may be compromised in case the Government approves the action of the Municipal Council, in having taken the deposit for compromising the case that, otherwise, the deposit amount may be refunded to the party concerned and the case decreed in favour of the Municipality

Under the circumstances reported in this office letter No A6 2443/40-41 dated the 15th June 1944, I request that the action of the Municipal Council in compounding the case may kindly be approved by Government, as the case is pending for a very long time and as the Municipality would not also be put to any pecuniary loss by effecting the compromise except the interest after filing the suit

I have the honour to be,
Sir,
Your most obedient Servant,

for Deputy Commissioner,
Chitaldrug District

C M F 1/.

Pages 1–14

"Recovery of Cost Kheir due to Harbour
from Municipality by the Executive Engineer
L-9346 dtd 10-4-44–49
& one of Enclosing Ltr 19/3/45

Sir,

With Ref. to your letter No A6 785/4445
dt 16 Aug- on the above subject, I am
directed to state that the Compromise,
as suggested by you in para 2 of the letter
under Ref., may be effected provided as the
Harbour Board has bought the property in
Court auction, and, if that sale has been
confirmed in the name of the Board, a
formal transfer deed will have to be
executed. The Harbour Board may
be informed accordingly
records accompany

Yours faithfully
Secretary

CW 3
5/4/45

Dy Secy (Genl) Govt